

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	/	
Calhoun et al.	/	
	/	
U.S. Serial No: 10/632,014	/	Group Art Unit: 1616
	/	
Filed: July 31, 2003	/	Examiner: Soroush, Ali
	/	
For: APPARATUS AND METHOD FOR	/	
PREVENTING ADHESIONS BETWEEN AN	/	
<u>IMPLANT AND SURROUNDING TISSUES</u>	/	

Commissioner of Patents
P.O Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.131

Sir:

I, Kenton R. Mullins, hereby declare that:

I am an attorney of Stout, Uxa, Buyan & Mullins, LLP, and I was managing the preparation and filing of the above-referenced patent application (hereinafter "the application") in our office.

My firm was authorized by MacroPore Biosurgery, Inc. to prepare and file the application. Prior to January 3, 2002, I met with Kenneth Kleinhenz and Chris Calhoun to discuss the invention, at which time they described the invention to me. In particular, the invention was described as an implant to be inserted into a surgical site following a surgical procedure in a human patient, the implant having a resorbable membrane disposed around the implant for attenuating adhesions between with

attenuating adhesions between with surrounding tissue, the resorbable membrane being non-porous and being formed or one or more of a lactide polymer and a copolymer of two or more cyclic esters.

I was told in that meeting that the implant was preferably formed in accordance with the Thin Sheet (TS) product of U.S. Patent No. 6,531,146. Exhibit C, which was generated prior to January 3, 2002, elucidates some of the TS technology, and the first page of Exhibit A is an email with the Subject line reading "TS thoughts." I recall heat-forming and heat-wrapping (e.g., bringing the resorbable membrane to its glass transition or even to its melting temperature), and shrink wrapping (e.g., by heat or other known means), being discussed early on in that same meeting, as well.

Following that meeting, I received from Kenneth Kleinhenz, prior to January 3, 2002, an email, which is attached as Exhibit A. I then spoke again with Mr. Kleinhenz and generated, prior to January 3, 2002, the document attached as Exhibit B.

The below undersigned declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, being duly warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing therefrom.

Signature : 
Typed Name: Kenton R. Mullins

Date: December 22, 2007